

**CITY OF MENASHA****Council Chambers, 3rd Floor- 140 Main St., Menasha**

140 Main Street, Menasha

January 15, 2007

**MINUTES** + [Back](#)  [Print](#)**I. CALL TO ORDER****A.****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments                            | Made By | Seconded By | Motion Result |
|-------------|--|---------|-------------|---------------|
|             | Meeting called to order by Mayor Laux at 8:50 p.m. |         |             |               |

**II. PLEDGE OF ALLEGIANCE****A.****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments  | Made By | Seconded By | Motion Result |
|-------------|--|---------|-------------|---------------|
|             | A moment of silence to observe Dr. Martin Luther King, Jr Day. |         |             |               |

**III. ROLL CALL/EXCUSED ABSENCES****A.****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments  | Made By | Seconded By | Motion Result |
|-------------|--|---------|-------------|---------------|
|             | Present: Ald. Taylor, Wisneski, Hendricks, Michalkiewicz, Chase, Merkes. Excused: Ald. Pack, Eckstein  |         |             |               |
|             | Comments   |         |             |               |
|             | Also Present: Mayor Laux, CA/HRD Brandt, Lt. Brunn, DPW Radtke, CDD Keil, PRD Tungate, Comp/Treasurer Stoffel, Clerk Galeazzi and the Press. Dept. Heads Excused: PHD Nett |         |             |               |

**IV. MINUTES TO APPROVE-MINUTES & COMMUNICATIONS TO RECEIVE****Minutes to approve:****A.**    [Common Council, 1/2/07](#)**Item Action:**  
Approved**Motions**

| Motion Type | Motion Text                   | Made By                | Seconded By       | Motion Result |
|-------------|-------------------------------|------------------------|-------------------|---------------|
| move        | To approve minutes of 1/2/07  | Alderman Michalkiewicz | Alderman Wisneski | Passed        |
|             | Motion carried on voice vote. |                        |                   |               |

**Minutes to receive:****B. [Minutes to Receive](#)****Item Action:**  
Approved**Motions**

| Motion Type | Motion Text                        | Made By                | Seconded By    | Motion Result |
|-------------|------------------------------------|------------------------|----------------|---------------|
| move        | To approve Minutes to Receive A-G. | Alderman Michalkiewicz | Alderman Chase | Passed        |

Motion carried on voice vote.

**Communications:**

1.

**[Communications](#)****Item Action:**

Approved

**Motions**

| Motion Type | Motion Text                     | Made By                | Seconded By    | Motion Result |
|-------------|---------------------------------|------------------------|----------------|---------------|
| move        | To approve Communications 1-18. | Alderman Michalkiewicz | Alderman Chase | Passed        |

Motion carried on voice vote.

**V. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY****Five (5) minute time limit for each person****A. -****Item Action:**  
None**Motions**

| Motion Type | Motion Text  | Made By | Seconded By | Motion Result |
|-------------|--|---------|-------------|---------------|
|             | Comments   |         |             |               |
|             | A. Anthony Bevers, 1130 Lakeshore Drive. O-2-07, Dry Night Ordinance.          |         |             |               |
|             | Comments   |         |             |               |
|             | B. Mike Prokash, 198 Main Street, O-2-07, Dry Night Ordinance.                 |         |             |               |
|             | Comments   |         |             |               |
|             | C. Kevin Benner, 1190 Fieldview Drive. O-3-07, Rezoning of Province Terrace.   |         |             |               |
|             | Comments   |         |             |               |
|             | D. Jerry Wittmann, 1290 Fieldview Drive. O-3-07, Rezoning of Province Terrace. |         |             |               |

**VI. APPOINTMENTS****A. [Accept letter of resignation from Dorothy Hoks for Committee on Aging](#)****Item Action:**  
Approved**Motions**

| Motion Type | Motion Text                      | Made By           | Seconded By            | Motion Result |
|-------------|----------------------------------|-------------------|------------------------|---------------|
| move        | To accept letter of resignation. | Alderman Wisneski | Alderman Michalkiewicz | Passed        |

Motion carried on voice vote.

**B. [Mayor's Appointment to the Committee on Aging:](#)****Item Action:**  
Approved

[1. Roy Rogers, 821 Arthur St., to replace Dorothy Hoks for the term of January 18, 2007 to February 1, 2008](#)

**Motions**

| Motion Type | Motion Text | Made By | Seconded By | Motion Result |
|-------------|-------------|---------|-------------|---------------|
|-------------|-------------|---------|-------------|---------------|

move To approve appointment.  
Motion carried on voice vote.

Alderman Michalkiewicz

Alderman Hendricks

Passed

## VII. CLAIMS AGAINST THE CITY

A.

**Item Action:**  
None

## VIII. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS

A.

**Item Action:**  
None

## IX. REPORT OF COMMITTEES/BOARDS/COMMISSIONS

### A. Plan Commission:

1.

[1/2/07; Recommends approval of the rezoning as proposed with the condition that the adequacy of existing ordinance language and enforcement is reviewed within 60 days and request that adequate resources be applied if necessary.](#)

**Item Action:**

None

#### Motions

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
| No Action.  |                         |         |             |               |

### B. Administration Committee:

1.

[Steam Plant Noise](#)

**Item Action:**

None

#### Motions

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
| No Action.  |                         |         |             |               |

2.

[Request of Associated Appraisers to change in-office hours](#)

**Item Action:**

None

#### Motions

| Motion Type                      | Motion Text        | Made By         | Seconded By        | Motion Result |
|----------------------------------|--------------------|-----------------|--------------------|---------------|
| move                             | To reject request. | Alderman Merkes | Alderman Hendricks | Passed        |
| Motion carried on roll call 6-0. |                    |                 |                    |               |

3.

[Rescission of Tax §74.33\(1\)\(a\) and \(f\) - Agricultural Use Status of Calumet County Parcels #7-00001-00, 7-00002-01](#)

**Item Action:**

None

**Motions**

| Motion Type                      | Motion Text  | Made By                | Seconded By       | Motion Result |
|----------------------------------|--|------------------------|-------------------|---------------|
| move                             | To approve Rescission of Tax on Parcel #7-00001-00 | Alderman Michalkiewicz | Alderman Wisneski | Passed        |
| Motion carried on roll call 6-0. |  |                        |                   |               |
| move                             | To hold Rescission of Tax on Parcel #7-00002-01.   | Alderman Wisneski      | Alderman Merkes   | Passed        |

4.

[Approve Buddi Sagar Subedi as agent for Bulk Petroleum Corp & Gurpal Wisconsin Station LLC, d/b/a Marathon, 209 Racine Street](#)

**Item Action:**

Approved

**Motions**

| Motion Type                   | Motion Text | Made By           | Seconded By            | Motion Result |
|-------------------------------|-------------|-------------------|------------------------|---------------|
| move                          | To approve. | Alderman Wisneski | Alderman Michalkiewicz | Passed        |
| Motion carried on voice vote. |             |                   |                        |               |

5.

[RW Management Contract for Safety Coordination and Project Management for the term of January 2, 2007 to March 31, 2007 and authorize signature](#)

**Item Action:**

None

**Motions**

| Motion Type | Motion Text | Made By | Seconded By | Motion Result |
|-------------|-------------|---------|-------------|---------------|
|             | Comments    |         |             |               |
| No Action.  |             |         |             |               |

6.

[Accounts payable and payroll for the period of 1-4-07 to 1-11-07 for the amount of \\$7,350,281.13](#)

**Item Action:**

Approved

**Motions**

| Motion Type                      | Motion Text | Made By           | Seconded By            | Motion Result |
|----------------------------------|-------------|-------------------|------------------------|---------------|
| move                             | To approve. | Alderman Wisneski | Alderman Michalkiewicz | Passed        |
| Motion carried on roll call 6-0. |             |                   |                        |               |

**C. Board of Public Works:**

1.

[Change Order--CD Smith Construction, Inc. Water Treatment Plant Modifications; Contract Unit No. M002-940266.02; DEDUCT: \\$5,981.00 \(Change Order No.4\)](#)

**Item Action:**

Approved

**Motions**

| Motion Type                      | Motion Text | Made By         | Seconded By     | Motion Result |
|----------------------------------|-------------|-----------------|-----------------|---------------|
| move                             | To Approve. | Alderman Taylor | Alderman Merkes | Passed        |
| Motion carried on roll call 6-0. |             |                 |                 |               |

2.

[Payment -- Dorner, Inc.; Nature's Way; Contract Unit No. 2006-08\\$104,729.62 \(Payment No. 2\)](#)

**Item Action:**

Approved

**Motions**

| Motion Type                      | Motion Text | Made By         | Seconded By       | Motion Result |
|----------------------------------|-------------|-----------------|-------------------|---------------|
| move                             | To Approve. | Alderman Taylor | Alderman Wisneski | Passed        |
| Motion carried on roll call 6-0. |             |                 |                   |               |

3.

[Request to Reinstall Street Light near 852 Fifth Street; Pole No. 2067](#)

**Item Action:**

Approved

**Motions**

| Motion Type                      | Motion Text | Made By         | Seconded By        | Motion Result |
|----------------------------------|-------------|-----------------|--------------------|---------------|
| move                             | To approve. | Alderman Taylor | Alderman Hendricks | Passed        |
| Motion carried on roll call 6-0. |             |                 |                    |               |

4.

[Authorization to Execute Agreement for Engineering Services; Wastewater Collection System Rehabilitation Improvements; Phase 3](#)

**Item Action:**

Approved

**Motions**

| Motion Type                      | Motion Text | Made By         | Seconded By        | Motion Result |
|----------------------------------|-------------|-----------------|--------------------|---------------|
| move                             | To Approve. | Alderman Taylor | Alderman Hendricks | Passed        |
| Motion carried on roll call 6-0. |             |                 |                    |               |

**X. ORDINANCES AND RESOLUTIONS****A. [O-1-07 - An Ordinance Relating to City of Menasha Purchasing Policy](#)**

**Item Action:**  
None

**Motions**

| Motion Type                       | Motion Text | Made By | Seconded By | Motion Result |
|-----------------------------------|-------------|---------|-------------|---------------|
|                                   | Comments    |         |             |               |
| Held in Administration Committee. |             |         |             |               |

**B. [O-2-07 - An Ordinance Relating to "Dry Nights" at Licensed Premises](#)**

**Item Action:**  
None

**Motions**

| Motion Type | Motion Text                              | Made By         | Seconded By | Motion Result           |
|-------------|--|-----------------|-------------|-------------------------|
| move        | To suspend the rules and take up O-2-07. | Alderman Taylor |             | Died for lack of Second |

**Item Action:**

**C. [R-2-07 - Resolution Relating to Reduction of Poll Workers](#)**

Approved

**Motions**

| Motion Type | Motion Text  | Made By           | Seconded By            | Motion Result |
|-------------|--|-------------------|------------------------|---------------|
| move        | To adopt R-2-07.<br>Motion carried on roll call 6-0. | Alderman Wisneski | Alderman Michalkiewicz | Passed        |

**D. [O-3-07 - An Ordinance Amending Title 13 by Making Certain Changes in the District \(Drifka Rezoning\)](#)**Item Action:  
None**Motions**

| Motion Type   | Motion Text   | Made By                | Seconded By            | Motion Result |
|---|---|------------------------|------------------------|---------------|
| move  | To Adopt O-3-07 as amended in Administration Committee.   | Alderman Michalkiewicz | Alderman Wisneski      |               |
| move  | To amend O-3-07 to add Mayor Laux as the author of the ordinance.<br>Motion to amend carried on roll call 5-1. Ald. Merkes, Wisneski, Hendricks, Michalkiewicz, Chase - yes Ald. Taylor - no  | Alderman Wisneski      | Alderman Michalkiewicz | Passed        |
| move  | To amend to re-enforce recommendations from Plan Commission.<br>Motion withdrawn.   | Alderman Wisneski      | Alderman Michalkiewicz | Withdrawn     |
| move  | To direct Community Development Director to review the adequacy of existing zoning ordinance, to review enforcement of zoning ordinance, and to ensure that adequate resources are devoted to accomplish this within 60 days.<br>Motion carried on roll call 6-0. | Alderman Wisneski      | Alderman Taylor        | Passed        |
| Comments<br>Requested by Ald. Wisneski and Ald. Taylor to hold for two weeks pursuant to Section 2-2-1b (d)(2)(b) of the City Code. |   |                        |                        |               |

**E. [R-3-07 - A Resolution Declaring Official Intent to Reimburse Expenditures for Clean Water Fund Loan Program](#)**Item Action:  
Approved**Motions**

| Motion Type | Motion Text   | Made By         | Seconded By       | Motion Result |
|-------------|---|-----------------|-------------------|---------------|
| move        | To adopt R-3-07<br>Motion carried on roll call 6-0. | Alderman Taylor | Alderman Wisneski | Passed        |

**XI. HELD OVER BUSINESS****A.**Item Action:  
None**XII. COUNCIL DIRECTIVES****A. [ALL DEPT. HEADS - Merging of supply vendors \(Ald. Hendricks\)](#)**Item Action:  
None**Motions**

| Motion Type | Motion Text   | Made By | Seconded By | Motion Result |
|-------------|---|---------|-------------|---------------|
|             | Comments<br>Ald. Hendricks will be talking to each department on ordering supplied from one vendor. |         |             |               |

**B. [CA/HRD Brandt - Status of Heckrodt Annexation \(Ald. Chase\)](#)**Item Action:  
None**Motions**

| Motion Type | Motion Text  | Made By | Seconded By | Motion Result |
|-------------|--|---------|-------------|---------------|
|             | Comments<br>CA/HRD Brandt reported he has the correct legal description and will be preparing the Notice of Intent for publishing. |         |             |               |

**C. [CA/HRD Brandt - Tax exempt status of SCA Tissue \(Ald. Eckstein\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CA/HRD Brandt reported no new news on this topic. A hearing is scheduled for April for the cities of Green Bay and De Pere. He provided copies of a news article from WI State Journal.

**D. [CA/HRD Brandt - Status of Gatehouse property \(Ald. Hendricks\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CA/HRD Brandt reported the closing documents have been sent to Evans Title for review. A closing date will be scheduled.

**E. [CDD Keil - Status of 535 1st St. \(Ald. Taylor\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CDD Keil reported that Winnebago County Treasurer had been informed of the Common Council action to approve the acquisition of this property. The County Corporation Counsel is to prepare the documents to transfer the property from the County to the City.

**F. [CDD Keil - Status of 81 & 87 Racine St. \(Ald. Taylor\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CDD Keil reported that bids were received by the Dept. of Natural Resources for removal of soil contaminations and were advanced to the Dept of Commerce for funding approval. The telephone company was contacted regarding removal of the telephone pole.

**G. [CDD Keil - Zoning code issues for Province Terrace \(Ald. Merkes\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

Addressed earlier in meeting.

**H. [CDD Keil - Status of Theater project \(Ald. Hendricks\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CDD Keil reported the owners of the theater are expecting to open around the first of February.

**I. [CDD Keil - Status of Larson Study \(Ald. Michalkiewicz\)](#)****Item Action:**  
None**Motions**

| Motion Type | Motion Text<br>Comments | Made By | Seconded By | Motion Result |
|-------------|-------------------------|---------|-------------|---------------|
|-------------|-------------------------|---------|-------------|---------------|

CDD Keil reported the study has been completed and Larsen Engineering will be making recommendations for changes to building codes.

**J.**     [DPW Radtke- Status of hiring at Public Works Facility \(Ald. Merkes\)](#)

**Item Action:**  
None

**Motions**

| Motion Type | Motion Text | Made By | Seconded By | Motion Result |
|-------------|-------------|---------|-------------|---------------|
|-------------|-------------|---------|-------------|---------------|

DPW Radtke reported the deadline for submitting employment applications is Jan. 26 then staff will review the applications and schedule interviews. So far they have received a number of applications by only advertising on the City website and word of mouth.

Comments

Next Agenda: Ald. Merkes - 1) Zoning code issues for Province Terrace; 2) Status of hiring at PWF. Ald. Hendricks - 1) Status of Gatehouse property; 2) Status of movie theater. Ald. Taylor - 1) Status of 535 1st Street; 2) Status of 81 and 87 Racine Street; 3) Status of Grocery Store; 4) 540 Broad Street - various zoning violations. Ald. Chase - HWR Annexation.

**XIII. CITIZEN REPRISE (People from the gallery to be heard; only pertaining to matters on the agenda - five (5) minute time limit for each person)**

**A.** **Item Action:**  
None

**XIV. ADJOURNMENT**

**A.** **Item Action:**  
None

**Motions**

| Motion Type | Motion Text             | Made By                | Seconded By       | Motion Result |
|-------------|-------------------------|------------------------|-------------------|---------------|
| move        | To adjourn at 9:39 p.m. | Alderman Michalkiewicz | Alderman Wisneski | Passed        |

Motion carried on voice vote.